

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

OLIVIA Y., *et al.*

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251 TSL-FKB

HALEY BARBOUR, as Governor of the State of Mississippi, *et al.*

DEFENDANTS

MOTION FOR ENLARGEMENT OF TIME TO FILE COURT MONITOR'S REPORT

The Court Monitor ("Monitor") appointed in the above-captioned matter respectfully moves the Court, pursuant to Uniform Local Rule 7.2 of the United States District Courts for the Northern and Southern District of Mississippi, for an extension of time from November 10, 2010 to November 23, 2010, to file the final report on her findings related to the extent to which the defendants' actions comport with their obligations under the provisions of the Agreed Order approved by the Court on June 10, 2010 ("Agreed Order"). The parties do not oppose this motion.

The Monitor submits that an enlargement of the filing deadline is warranted in light of the nature and scope of the report, the need to ensure the parties are afforded a reasonable period of time to comment on a draft version of the report, and the need to ensure the Monitor has sufficient time to consider and address the parties' comments, as appropriate, in the final version of the report that will be submitted to the Court. The grounds for this motion are set forth, in detail, in the Memorandum of Points and Authorities that accompanies this motion. A proposed order is attached hereto.

WHEREFORE, the foregoing motion should be granted.

Respectfully submitted, this 10th day of November, 2010.

/s/ Grace M. Lopes

Grace M. Lopes (MBN 45693 *pro hac vice*)
Court Monitor
1350 Connecticut Avenue, N.W., Suite 1000
Washington, D.C. 20036
(202) 232-8311
gmlopes@oymonitor.org

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2010 the foregoing Motion for Enlargement of Time to File the Court Monitor's Report, Memorandum of Points and Authorities in support thereof, and proposed order were transmitted electronically to the following counsel of record in this matter:

Dewitt L. ("Rusty") Fortenberry Jr.
Kenya Key Rachal
Ashley Tullos Young
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
428 I-55 North
Meadowbrook Office Park
Jackson, Mississippi 39211

Harold E. Pizzetta, III
Assistant Attorney General
General Civil Division
Carroll Gartin Justice Building
430 High Street
Jackson, MS 39201

W. Wayne Drinkwater, Jr.
BRADLEY ARANT ROSE & WHITE LLP
188 East Capital Street, Suite 450
Jackson, Mississippi 39201

Marcia Robinson Lowry
Shirim Nothenberg
Jessica Polansky
CHILDREN'S RIGHTS
330 Seventh Avenue
New York, New York 10001

John Lang
John Piskora
LOEB & LOEB LLP
345 Park Ave.
New York, New York 10154

/s/ Grace M. Lopes

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR
ENLARGEMENT OF TIME TO FILE COURT MONITOR'S REPORT**

The Monitor's motion for enlargement of time to file the final report on her findings related to the extent to which the defendants' actions comport with their obligations under the provisions of the June 10, 2010 Agreed Order should be granted for the reasons set forth below.

I. BACKGROUND

In an order dated January 4, 2008, the Court approved The Mississippi Settlement Agreement and Reform Plan ("Settlement Agreement"). Thus far, the defendants have been required to satisfy two implementation plans and a corrective action plan. The corrective action plan, which was agreed upon by the parties, is referred to as the "Bridge Plan."¹ The Court approved the Bridge Plan in an order issued on June 10, 2010. The June 10, 2010 order required defendants to implement specified corrective action measures between May 1 and September 1, 2010, a time period that is referred to as the "Bridge Period."² Pursuant to the order, the Monitor was required to file two reports on her findings related to the extent to which the defendants'

¹ Agreed Order at 1.

² *Id.*

actions comported with their obligations under the provisions of the Agreed Order.³ The Monitor's initial report was timely filed on July 23, 2010.⁴ According to the Agreed Order, the Monitor was required to file a final report on September 10, 2010.⁵ In a motion filed on September 10, 2010, the Monitor requested that the Court grant an enlargement of time, from September 10, 2010 to November 10, 2010, to file the final report contemplated by the June 10, 2010 order.⁶ The Court granted the motion in an order issued on September 14, 2010.

II. ARGUMENT

The Monitor has completed the review, investigation, analysis and drafting associated with the preparation of the required report on the Bridge Plan. A draft version of the report was submitted to the parties for comment on November 9, 2010. The draft, which is 57 pages in length, is supported by 45 exhibits. The Monitor submits that an enlargement of the filing deadline is necessary in order to ensure the parties have sufficient time to comment on the draft, and the Monitor has an adequate amount of time to consider the parties' comments before finalizing the report and submitting it to the Court.

The Monitor has conferred with the parties and established a schedule for the submission of comments on the draft version of the report. Based on the schedule, the Monitor anticipates that the final version of the report can be filed by November 23, 2010. This enlargement of the filing deadline will afford sufficient time for the Monitor to review and consider the parties'

³ *Id.* ¶8.

⁴ *The Court Monitor's Status Report to the Court Regarding the June 10, 2010 Agreed Order for Corrective Action* [hereinafter July 23, 2010 Report], filed July 23, 2010.

⁵ Agreed Order ¶8.

⁶ Motion for Enlargement of Time to File Court Monitor's Report, filed September 10, 2010. The Monitor explained that because of the demands associated with completing *The Court Monitor's Report to the Court Regarding Defendants' Progress Toward Meeting Period 2 Requirements*, a 167-page report on the second implementation period that was filed on September 8, 2010, and because of the volume of data implicated by the Bridge Plan, the Monitor was unable to file the final report on the Bridge Plan by September 10, 2010.

comments, make any revisions that appear warranted, and finalize the report. The parties do not oppose this motion.

III. CONCLUSION

In light of the foregoing, the Court should enlarge the deadline for filing the Monitor's report on the Bridge Plan from November 10, 2010 to November 23, 2010.

Respectfully Submitted,

/s/ Grace M. Lopes
Grace M. Lopes (MBN 45693 *pro hac vice*)
Court Monitor
1350 Connecticut Avenue, N.W., Suite 1000
Washington, D.C. 20036
(202) 232-8311
gmlopes@oymonitor.org

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ORDER

Upon consideration of the Motion for Enlargement of Time to File Court Monitor's Report, Memorandum of Points and Authorities in support thereof, the lack of opposition thereto, and the entire record herein, it is by the Court on this _____ day of _____, 2010, hereby

ORDERED, that the Motion for Enlargement of Time to File Court Monitor's Report is hereby **GRANTED**; and it is

FURTHER ORDERED, that the time period established by the September 14, 2010 Order for the Court Monitor to file the report on the Bridge Plan shall be extended from November 10, 2010 to November 23, 2010.

TOM S. LEE
JUDGE

Copies to:

Dewitt L. ("Rusty") Fortenberry Jr.
Kenya Key Rachal
Ashley Tullos Young
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
428 I-55 North
Meadowbrook Office Park
Jackson, Mississippi 39211

Harold E. Pizzetta, III
Assistant Attorney General
General Civil Division
Carroll Gartin Justice Building
430 High Street
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W. Wayne Drinkwater, Jr.
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CHILDREN'S RIGHTS
330 Seventh Avenue
New York, New York 10001

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John Piskora
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New York, New York 10154

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